

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 30, 2006

DIVISION ONE

B184613 Anchor Lighting (Certified for Publication)
 v.
 Southern California Edison Company et al.

The judgment is affirmed. SCE is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B185256 Dembrowski (Not for Publication)
 v.
 City of West Hollywood
 Venice Investments et al.

That part of the judgment denying the petition for a writ of mandate on the ground that the approval of the Project by the City of West Hollywood did not violate the Sunset Specific Plan is affirmed. That part of the judgment denying the petition for a writ of mandate on the ground that City did not violate the California Environmental Quality Act is reversed, and on remand the trial court is to enter a new judgment granting the petition for a writ of mandate on grounds consistent with the views herein. The parties are to bear their own costs on appeal.

Mallano, Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

August 30, 2006 (Continued)

DIVISION ONE (Continued)

B184141 Carey (Not for Publication)
v.
Carey

The judgment of dismissal is reversed. The order sustaining the demurrer as to the fourth, eighth, and ninth causes of action is affirmed; the order sustaining the demurrer as to the remaining causes of action is reversed. The parties are to bear their own costs.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B181186 Kim (Not for Publication)
v.
Shin et al.

The appeal is dismissed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B189057	People v. Ware	(Not for Publication)
B192285	In re Ware on Habeas Corpus	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B181244 People (Not for Publication)
v.
Miguel G.

That portion of the disposition order stating that minor may not be held in physical confinement for a period to exceed six years, as well as the court's calculation of defendant's maximum term of confinement, is stricken. Probation condition 15 is modified to read as follows: Do not associate with co-minor and anyone known to you to be disapproved of by your parents or probation officer. Condition 21 is modified to read as follows: Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places known to you to be places where users congregate. As modified, the order is affirmed. The juvenile court is directed to prepare an amended disposition order reflecting these modifications.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B183294 People (Not for Publication)
v.
Swafford

We reverse the finding that defendant suffered a prior conviction pursuant to section 667.5, subdivision (b). We vacate the sentence and remand the case for a new trial on the enhancement and for resentencing. In all other respects, the judgment is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
Vogel (Miriam A.), J.

August 30, 2006 (Continued)

DIVISION ONE (Continued)

B175530 Armenta (Certified for Publication)
v.
Mueller Co., et al.

The order partially revoking the grant of leave to file a second amended complaint is reversed, and the second amended complaint is reinstated with respect to the 47 entities that were the object of the revocation order. The summary judgments are reversed. Plaintiffs are to recover costs on appeal.

Spencer, P.J.

I concur: Mallano, J.
I concur and dissent: Vogel (Miriam A.), J. (Opinion)

DIVISION TWO

B185511 SRD Inc. (Not for Publication)
v.
Burgess/Daryaire

The judgment is affirmed. Respondent(s) to recover costs.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

August 30, 2006 (Continued)

DIVISION THREE

Court convened at 2:00 p.m.

Present: Klein, P.J., Croskey, J., Epstein, J. (Assigned) and Valorie Gray, Deputy Clerk.

B193116 Robson, et al. v. Upper San Gabriel Valley Municipal Water District, et al.
B193129 Upper San Gabriel Valley Municipal Water District, et al. v. S.C.L.A.

Merits:

Argued by Douglas Collodel for defendants-appellants-petitioner; by Gregory Luke for plaintiff-respondent-real party in interest and by Judy Whitehurst, Deputy County Counsel for defendant-appellant-real party in interest. Cause submitted.

Court adjourned.

B191018 Cecily A., (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied. No costs are awarded.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B181768 Tarnove (Not for Publication)
v.
Goldfarb, et al.

The judgment is affirmed. Respondents Goldfarb and Richman are to recover costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

DIVISION THREE (Continued)

B183172 David C., (Not for Publication)
v.
City of Long Beach

The judgment is affirmed. Costs on appeal are awarded to the City of Long Beach.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B178246 Edwards II, (Certified for Partial Publication)
v.
Arthur Andersen LLP

The order sustaining, without leave to amend, Andersen's demurrer to the Cartwright Act cause of action is affirmed. The judgment in favor of Andersen is otherwise reversed, and the matter is remanded for further proceedings consistent with the opinions expressed herein. Each party shall bear its own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B188805 Los Angeles County, D.C.S. (Not for Publication)
v.
Terrence D.

The order is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B187999 Davis (Not for Publication)
v.
Shewry, et al.

The appeal is dismissed. Each party shall bear its own costs.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION SEVEN

B182004 People (Not for Publication)
v.
Serrano

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B183197 Feinberg et al., (Not for Publication)
v.
GMAC Mortgage Corp.

The judgment is affirmed. GMAC to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B178159 Pourzia (Not for Publication)

V.

St. Mary Medical Center etc., et al.,

The judgment is reversed and the cause is remanded to the trial court with directions to vacate its order granting defendants' motion for judgment on the pleadings and to enter a new order granting defendants' motion only as to counts two through ten of the first amended complaint. The court shall set a reasonable time in which plaintiff may file and serve a verification as to count of the first amended complaint if he can truthfully do so. If plaintiff fails to file and serve a verification within the time allowed the trial court shall issue an order to show cause why count one of plaintiff's first amended complaint should not be dismissed. If no good cause is shown the court shall dismiss count one of the first amended complaint and enter a judgment for defendants. If good cause is shown for not verifying the first count the court shall make such further orders as are just under the circumstances. The order denying defendants' motion to specially set their SLAPP motion for hearing is affirmed. The parties shall bear their own costs on appeal.

Johnson, J.

I concur: Woods, J.

I dissent: Perluss, P.J. (Opinion)

B186034 Lambert (Not for Publication)

V.

Santa Monica Rent Control Board

The judgment is affirmed. Respondent is awarded its costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.

Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B175562	People v. Akins
B181683	People v. Steven H.
B183468	A.A.M. Health Club v. Argus Health Systems
B184108	People v. O'Rise
B185930	People v. Schmidt
B186925	People v. Cardenas
B188376	People v. Velez

Argument waived, cause submitted.

B185950	People v. Gutierrez
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Oral argument is continued to September 27, 2006, at 9:00 a.m.

B182138	People v. Vicente
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Merits:

Argued by Thomas W. Kielty for appellant and by Ryan M. Smith, Deputy Attorney General for respondent. Cause submitted.

B187997	Ayala, v. Los Angeles City College,
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Merits:

In open court, the request for judicial notice filed by appellant on July 13, 2006, is granted. Argued by Jose Ayala, appellant in propria persona and by Eric Kim for respondent. Cause submitted.

DIVISION EIGHT (Continued)

Boland, J. leaves the bench.

B180387 In Re The Matter of EDNA P. TIERNEY LIVING TRUST.
Tierney,
v.
Stacey,

Merits:

Argued by Jeffrey Garland for appellant and by Richard J. Radcliffe for respondent. Cause submitted.

Justice Boland returned to the bench.

B183576 People
v.
Santa Maria,

Merits:

Argued by Richard I. Fine for appellant and by Ellen B. Kehr, Deputy Attorney General for respondent. Cause submitted.

Justice Flier leaves the bench.

B184526 Elnekave et al.,
v.
Via Dolce Homeowners Association,

Merits:

Argued by Gabriele Mezger-Lashly for respondent and by Wayne Pariser for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B179461 Aoyagi, et al.
 v.
 Mancini & Associates et al.,

Merits:
Argued by Phyllis J. Bryan for appellants and by Kevin S. Lacey for
respondents. Cause submitted.

Justice Flier returned to the bench.

Justice Rubin leaves the bench.

B183953 Roshan,
 v.
 Engstrom, Lipscomb, Lack et al.,

Merits:
Argued by Kaveh Roshan, appellant in propria persona and by Rahul
Ravipudi for respondents. Parties to submit a letter to the court within five
days and the matter will be deemed submitted.

Court adjourned.

B180761 Kourosh Eddie Ehteshami (Not for Publication)
 v.
 Leroy D. Baca, as Sheriff, etc. et al.

The judgment is reversed. Plaintiff shall recover costs.

Cooper, P.J.

We concur: Boland, J.
 Flier, J.

August 30, 2006 (Continued)

DIVISION EIGHT (Continued)

B184226 Los Angeles County, D.C.S. (Not for Publication)
v.
Leonora M. and Damian G.,
In re Deittrick G., a Person Coming Under the Juvenile Court Law.

The order of the juvenile court terminating parental rights is reversed as to
Mother (Leonara M.) and Father (Damian G.).

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.